IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3320 OF 2007

Vitthal Balkrishna Pandhare .. Petitioner.

V/s.

State of Maharashtra & Ors. .. Respondents.

Mr.R.K.Mendadkar for the Petitioner.

Mr. C.R.Sonawane, AGP for the Respondents.

CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.

DATED : 16th JUNE, 2007.

P.C. :-

. Rule. Heard forthwith.

2. The petitioners had applied for a caste certificate before the Caste Scrutiny Committee, which rejected the claim of the petitioners. The petitioners, thereafter, preferred an Appeal. That Appeal has been dismissed. Consequently the present petition is filed by the petitioners.

3. We have considered the order of the Appellate Authority. The Appellate Authority was not deciding the issue of caste validity but only the issue whether the caste certificate could have been issued. To this

extent the appellate authority clearly went beyond its jurisdiction and consequently, the order of the appellate authority will have to be set aside.

4. Insofar as the order of the Original Authority is concerned, the authority must consider the documentary evidence and whether prima facie it is sufficient to issue the certificate.

5. In that light, we set aside the order of the appellate authority and original authority and hereby remand the matter back to the Original Authority to decide afresh after considering the documentary evidence on record. The authority to decide in any event not later than three months from the date of copy of this order is served on the authority.

6. Rule is made absolute in the above terms with no order as to costs.

(F.I.REBELLO,J.)

(R.M.SAVANT,J.)

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